

SECTION 504 / ADA

Guidelines For Educators and Administrators

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INTRODUCTION

The purpose of these guidelines is to provide technical assistance to school staff and other stakeholders regarding obligations under Section 504 of the Rehabilitation Act. These same obligations are required by the Americans with Disabilities Act (ADA). **These guidelines address Subparts D and E of the regulations.**

Section 504 of the Rehabilitation Act was enacted in 1973. These federal regulations have seven sections:

- Subpart A. General Provisions
- Subpart B. Employment Practices
- Subpart C. Program Accessibility
- Subpart D. Preschool, Elementary, and Secondary Education Requirements**
- Subpart E. Post Secondary Education Requirements**
- Subpart F. Health, Welfare, and Social Services
- Subpart G. Procedures

"Handicapped individuals" will hereafter be referred to as "individuals with disabilities" in order to be consistent with current educational terminology.

For many years, the main area of enforcement of Section 504 has been employment issues for individuals with disabilities. However, within the last several years, the Office for Civil Rights (OCR) has become more active in the provisions of Section 504 regarding the education of students with disabilities.

Requirement

The 504 statute prohibits discrimination against any individuals with disabilities by agencies receiving federal financial assistance.

SECTION 504/ADA EXAMPLES OF DISCRIMINATION

The following are some examples of how school districts can discriminate against individuals with disabilities:

1. A student with a disability is denied recognition on the honor roll because one of their classes is in the special education resource room.
2. A student is expelled from school for misbehavior that is related to his/her disability.
3. The school refuses to provide bus transportation that is as short in duration (within reason) as provided to student without disabilities.
4. The school refuses to allow a student with a disability the opportunity to audition for athletic teams, cheerleading, or other extracurricular activities.
5. The school denies course credit to a student whose absenteeism is the result of a disability.
6. The school refuses to dispense medication to a student who needs it to benefit and have access to their education.
7. The high school counselor fails to provide information about the special provisions of college board examinations to students with disabilities.
8. The school refuses to provide a modified adaptive physical education program for a student who is obese and cannot participate in regular physical education.
9. The school does not provide an interpreter for a parent who is deaf to attend a school meeting regarding his/her child.
10. Children with disabilities are denied access to extracurricular activities.

ACRONYMS / DEFINITIONS

The following are commonly used acronyms and definitions used in Section 504/ADA and special education.

ADA — Americans with Disabilities Act

ADAAG — Americans with Disabilities Act Accessibility Guidelines

ADD — Attention Deficit Disorder

ADHD — Attention Deficit Hyperactivity Disorder

AG — Annual Goal

AP — Accommodation Plan

BLST — Building Level Support Team

CD — Cognitive Delay

CFR — Code of Federal Regulations

CIMP — Continuous Improvement Monitoring Process

DD — Developmental Disabilities

DNR — Do Not Resuscitate

ED — Emotionally Disturbed

ESY — Extended School Year

FAPE — Free Appropriate Public Education

FERPA — Family Educational Rights and Privacy Act

HI — Hearing Impaired

IDEA — Individuals with Disabilities Education Act—Special Education

IEP — Individualized Education Program

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IFSP — Individualized Family Service Plan

LEA — Local Education Agency

LRE — Least Restrictive Environment

LD — Learning Disability

MPRRC — Mountain Plains Regional Resource Center

OCR — Office for Civil Rights

OHI — Other Health Impaired

OSEP — Office of Special Education Programs

OT — Occupational Therapy

Part B — Special Education for School-Aged Children

Part C — Special Education for Infants and Toddlers Birth Through Two Years

PT — Physical Therapy

SEA — State Education Agency

Section 619 — Special Education for Three to Five Year Olds

STO — Short Term Objective

TAT—Teacher Assistance Teams

TTY — A Telecommunication Device for the Deaf (Teletypewriter)

VI — Visually Impaired

504 — Section 504 of the Rehabilitation Act

SECTION 504/ADA GUIDELINES FOR EDUCATORS

DEFINITIONS

ACCOMMODATIONS — Adaptations made by classroom teacher(s) and other school staff to enable the students to benefit from their educational program. In some cases, a Section 504 plan should be developed outlining accommodations.

ADA ACCESSIBILITY GUIDELINES (ADAAG)— Standards used to meet Section 504/ADA accessibility requirements for the design, construction, and alteration of buildings.

AMERICANS WITH DISABILITIES ACT — 1990 (ADA) — A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

BARRIER-FREE ENVIRONMENT — A school environment that contains no obstacles to accessibility and usability by students and other individuals with disabilities. Barriers can be physical and non-physical.

BUILDING LEVEL SUPPORT TEAM (BLST) ALSO KNOWN AS TAT — A group of school staff knowledgeable about the student who work together recommending accommodations to help the student succeed in his/her general educational program. This is sometimes referred to as a pre-referral process. Every effort should be made to keep the student in the regular education program. A referral is made for an evaluation after all efforts have failed.

CONSENT — Written parent permission before initial evaluation and placement.

CONTAGIOUS DISEASES PROTECTED UNDER 504 — Contagious diseases are those that can be transmitted from person-to-person. Examples are diseases such as AIDS, HIV, and tuberculosis.

FREE APPROPRIATE PUBLIC EDUCATION — Related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of nondisabled persons are met.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT, (IDEA) — Federal special education law and regulations.

MAJOR LIFE ACTIVITY — Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

OFFICE FOR CIVIL RIGHTS (OCR) — This federal agency has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are 10 regional offices located throughout the United States. The OCR office representing Utah is located at the U.S. Department of Education, Office of Civil Rights, Region VIII, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204-3582, (303) 844-5695, TTY (303) 844-3417.

PHYSICAL OR MENTAL IMPAIRMENT — (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physical disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

PROGRAM ACCESSIBILITY — The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only where program accessibility cannot be achieved effectively through other means.

PROGRAM OR ACTIVITY — In the context of Section 504/ADA, this includes all operations of state and local agencies that receive federal funds. This includes colleges, universities, and/or school districts.

PUBLIC ENTITY — Any school, organization, agency, or office that receives federal funding and is therefore obligated to follow Section 504/ADA requirements.

PUBLIC NOTICE — The school is required to provide public notice and internal notice (i.e., to staff, individuals with disabilities, and students) stating it does not discriminate on the basis of a disability.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

QUALIFIED STUDENT — Any student who has a physical or mental impairment that substantially limits one or more major life activities and impacts education.

SECTION 504 — The Rehabilitation Act of 1973 that guarantees specific rights in federally funded programs and activities to people who qualify as disabled. Section 504 states: “No otherwise qualified disabled individual in the United States... shall, solely by reason of a disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

SECTION 504/ADA COORDINATOR — The school employing 15 or more persons must assign a person to coordinate compliance with Section 504 regulations. It is recommended that all schools appoint a 504/ADA coordinator. It is recommended that the same individual serve as the Americans with Disabilities Act Coordinator and be a general educator.

SECTION 504 CASE MANAGER — This is usually the primary school staff member providing accommodations for a specific child. Common case managers are counselors, school nurses, and general education teachers. The case manager maintains the Section 504 student file.

SELF-EVALUATION — The Americans with Disabilities Act requires that federal fund recipients evaluate their programs, physical accessibility, and employment practices to determine the extent to which programs and activities require modification to ensure full participation by students with disabilities. These evaluations should be revisited annually by the Section 504/ADA coordinator. The self-evaluation should not be confused with student evaluation.

TITLE 1 — Provides financial assistance to states and eligible agencies to deliver supplemental services to at risk students.

TRANSITION PLAN— If a school determines that structural modifications are necessary to meet Section 504/ADA program accessibility requirements, the school must develop a plan specifying the steps necessary to complete such changes and the time frame for completion.

OVERVIEW OF 504

Section 504/ADA is a civil rights statute aimed at discrimination. Like other statutes of Title VI (race) and Title IX (gender), Section 504/ADA focuses on discrimination based on disability. All programs or activities of the school are covered by Section 504/ADA obligations.

No State or federal funding is provided to assist in complying with Section 504. All costs are the obligation of the general school budget. Many schools have established a Section 504 line item in their general fund budget to cover necessary accommodations for individuals with disabilities.

ELIGIBILITY

Section 504 has several areas that are particularly important for schools: Subpart B — employment practices, Subpart C — program accessibility, and Subparts D and E— requirements for preschool, elementary, secondary, and post secondary education. These guidelines will primarily focus on Subparts D and E.

SUMMARY OF SUBPARTS

SUBPART A: GENERAL PROVISIONS

This part of the regulations outlines the nondiscriminatory responsibilities of schools that receive federal funds or are a public entity. No person, on the basis of a disability, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program that benefits from federal funding or is a public entity.

All schools must comply with the following requirements:

- Provide written assurances of nondiscrimination when applying for federal funds.
- Take steps to eliminate discrimination against individuals with disabilities.
- Appoint a 504/ADA coordinator for schools with 15 or more employees to coordinate efforts to comply with these laws.

— Best Practice —

Even if a school has less than 15 employees, they should appoint a Section 504/ADA coordinator.

- Develop an ongoing process to locate and identify children who are not receiving services.
- Provide public notice regarding nondiscrimination and responsibilities.
- Develop a grievance procedure to resolve discrimination claims.
- Conduct a self-evaluation of their programs and activities to ensure facilities are accessible and discriminatory practices are eliminated.

SUBPART B: EMPLOYMENT PRACTICES

No qualified person shall, on the basis of his/her disability, be subjected to discrimination in employment by any program or activity that receives federal funds or is a public entity.

The school must make reasonable accommodations for qualified applicants or employees with known physical and mental impairments unless the accommodation would impose an undue hardship on the operation of the school's program. Examples of reasonable accommodations would include: making facilities accessible to and usable by persons with disabilities, job restructuring, part-time or modified work schedules, and acquisition or modification of equipment or devices.

The regulations mention the following factors to consider in determination of "undue hardship." The school district can claim undue hardship in the area of employment.

1. The overall size of the school's program with respect to the number of employees, number and type of facilities, and size of budget.
2. The type of the school's operation, including the composition and structure of its workforce.
3. The nature and cost of the accommodation needed.
4. The burden of proof is always on the school.

Undue hardship cannot be used in relation to providing eligible children with a free appropriate public education. Like special education (IDEA), lack of funds cannot be used as an excuse for not providing services.

SUBPART C: PROGRAM ACCESSIBILITY

No individual with a disability shall be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity because facilities are inaccessible or unusable. Building and program accessibility is applicable to any individual with disabilities accessing any activities or programs in that school building.

The regulation contains two standards to be used in determining whether programs and activities are accessible to individuals with disabilities. One standard deals with “existing” facilities; the other deals with “new” construction. The term “existing facility” means the facility was in existence or in the process of construction before June 3, 1977, the effective date of the regulation. The term “new construction” means groundbreaking that took place on or after the effective date of the regulation. Existing facility under ADA was January 26, 1992.

Leased facilities (mobile units) that are leased or constructed with federal funds are required to meet the standards of new construction. Other leased units are required to meet the standards of existing facilities.

The standard for a facility existing before June 3, 1977, for 504, or January 26, 1992, for ADA, requires that federally assisted programs or activities operated in that facility must, when viewed in their entirety, be readily accessible. *This standard does not require that every facility or part be accessible, so long as the program or activity as a whole is accessible.* Thus, recipients need not make structural changes to facilities that existed before June 3, 1977, for 504 or before January 26, 1992, for ADA, where other alternative methods are effective in making programs and activities accessible, so long as priority consideration is given to offering the services in the most integrated setting appropriate.

One example of an alternative method in a school would be the relocation of classes, activities, or services to an accessible site. Facility alteration or new construction is required to achieve program accessibility only if sufficient relocation of classes, activities, or services cannot be housed in an existing facility. In meeting the objective of program accessibility, the school must take precautions not to isolate or concentrate students with disabilities in settings away from students without disabilities.

The regulation requires that all new construction begun after June 3, 1977, for 504, or January 26, 1992, for ADA, as well as alterations to existing facilities, must be

designed and constructed so as to make facilities accessible and usable by individuals with disabilities.

SUBPART D: REQUIREMENTS FOR PRESCHOOL, ELEMENTARY, MIDDLE LEVEL, JUNIOR HIGH, AND SECONDARY EDUCATION.

Preschool, elementary, middle level/junior high, and secondary programs must take into account the needs of qualified persons with disabilities in determining the aid, benefits, or services to be provided under these programs or activities.

The school must provide a free appropriate public education to students with disabilities in its jurisdiction who are eligible under Section 504/ADA. Instruction must be individually designed to meet the needs of those students as adequately as the needs of students without disabilities. **This standard of what is “appropriate” differs from the IDEA “appropriate” standard, which requires the school to design a program reasonably calculated to confer educational benefit. An appropriate education under Section 504/ADA requires that the services be effective and equal.**

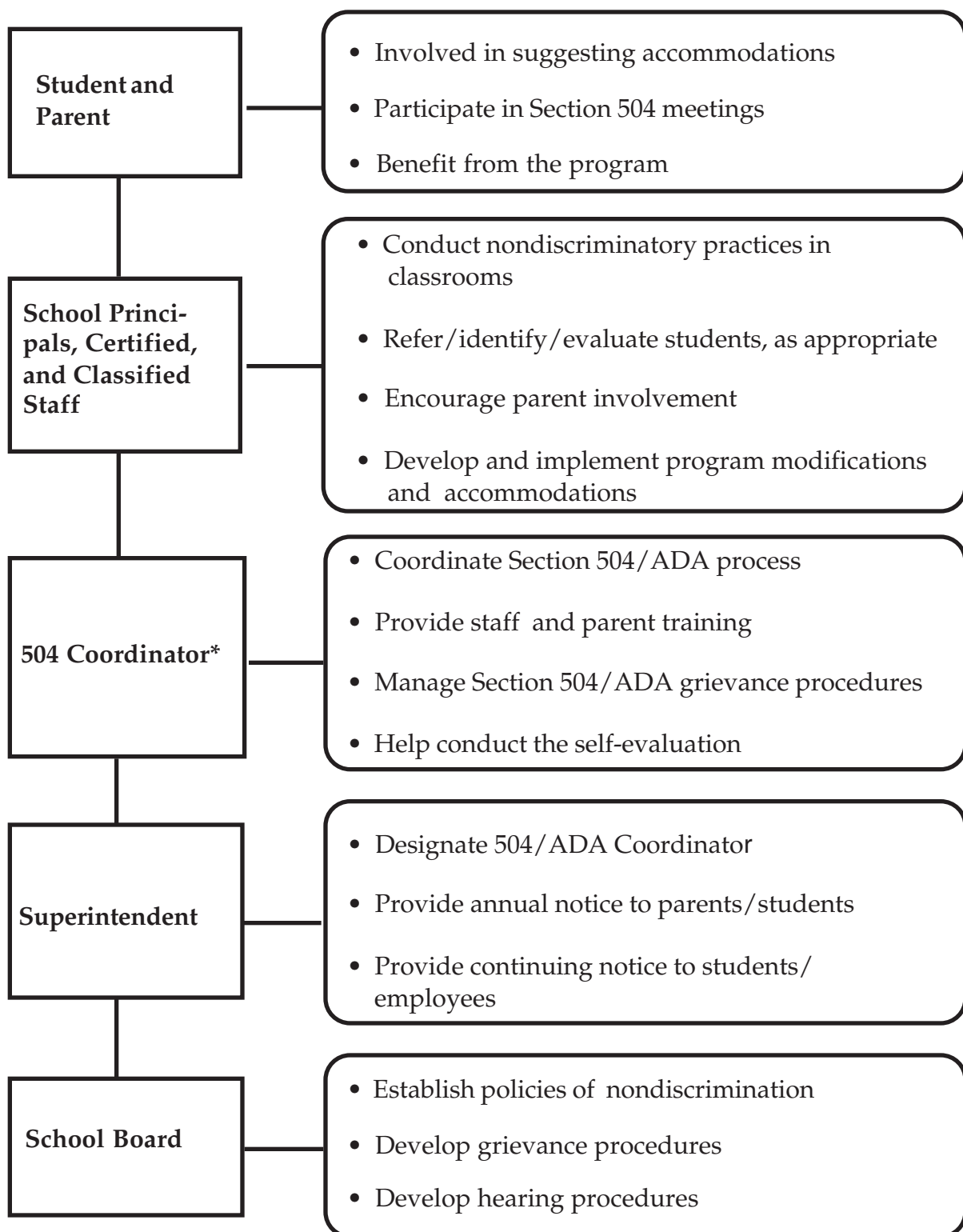
Although Section 504/ADA does not require schools to develop an Individual Education Program with annual goals and objectives, it is required that the school provide written documentation for each student eligible under Section 504/ADA. If the Teacher Assistance Team suspects a need for accommodation, a referral should be made, evaluations conducted, and possible eligibility determined by a team knowledgeable about the student. If the student is eligible, the team might develop a Section 504 Accommodation Plan.

The quality of educational services provided to students with disabilities must be equivalent to the services provided to students without disabilities. Teachers, administrators, staff, and parents should receive ongoing training in the instruction of individuals with disabilities and be knowledgeable about the disability, appropriate materials, and equipment. The Section 504/ADA coordinator will be responsible to develop and implement staff and parent training.

Responsibility

It must be emphasized that Section 504/ADA falls under the *management of general education*. The figure on the next page illustrates some obligations of general education under Section 504/ADA and their relationship with school personnel roles. The school staff and parents should collaborate to help guarantee that students are provided with necessary accommodations. A student who is found to have a disability under Section 504/ADA should be served by the resources provided through general education. The exception to this standard is a student who has been determined eligible as having a disability under the Individuals with Disabilities Education Act (IDEA). Such a student could receive special education services under IDEA and accommodations required under Section 504/ADA. Many schools will include the Section 504 accommodations on the IEP, rather than developing two separate documents.

504/ADA RESPONSIBILITIES



*Parents and school personnel must be notified as to who is the 504/ADA coordinator.

— BEST PRACTICE —

Every attempt should be made to resolve any differences between the school and parents before a complaint is filed or the Office for Civil Rights is contacted. Mediation is an excellent technique to resolve differences.

In summary, it is important to keep in mind that some students who have physical or mental impairments that substantially limit their ability to participate in the education program are entitled to accommodations under Section 504/ADA even though they may not fall into special education categories and be covered by the special education law. **It is also important to remember that Section 504/ADA should be a management responsibility of general education.**

SUBPART E: POST SECONDARY EDUCATION

Listed below are some responsibilities of post secondary programs:

Admissions

1. An individual with a disability cannot be denied admission to a program solely on the basis of his/her disability. Recruitment efforts by a post secondary school must avoid any discrimination against individuals who have a disability.
2. A test cannot be used that discriminates against an individual with disabilities. All tests should be validated and normed for the population to which it is given and for the purpose it is intended.
3. The school must provide internal and external public notice stating the program does not discriminate on the basis of a disability.

Treatment of students

1. No qualified student with a disability can be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination in any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other post secondary education program or activity.
2. A post secondary program may not exclude any qualified student from any course of study or other part of its education program on the basis of a disability.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

Academic adjustments

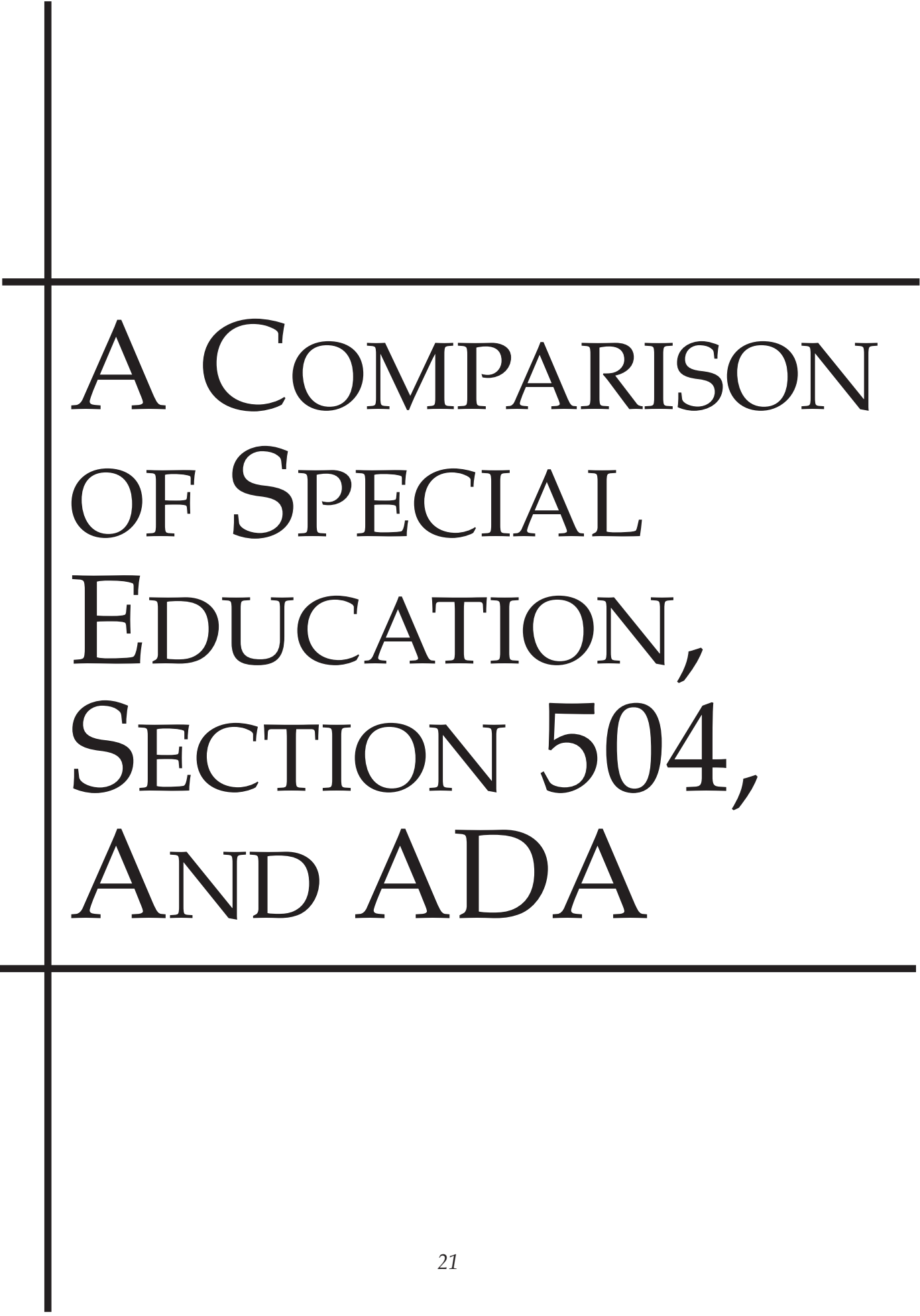
1. Adjustments to academic requirements may be necessary to ensure that such requirements do not discriminate on the basis of disability.
2. Modifications may include changes in the length of time permitted for the completion of a degree, substitution of specific courses required for the completion of the degree, and accommodations in the manner in which specific courses are conducted.
3. Academic adjustments could include tape recorders in classrooms, guide dogs or service dogs in campus buildings, and special arrangements for administering examinations.
4. Auxiliary aids could include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.
5. The school should provide comparable, convenient, and accessible housing to individuals with disabilities at the same cost as to others.

Financial and employment assistance

1. In providing financial assistance to qualified individuals with disabilities, a school may not provide less assistance than is provided to nondisabled persons, limit eligibility for assistance, or otherwise discriminate.
2. A school that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure that such employment opportunities are made available to all students.

Nonacademic services

1. A school that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics should provide an equal opportunity to participate in these activities to a qualified individual with a disability.
2. A school that provides personal, academic, or vocational counseling, guidance, or placement services to students should make these services available to individuals with disabilities.
3. A school that provides assistance to fraternities, sororities, or similar organizations should assure that the membership practices of such organizations do not permit discrimination.



A COMPARISON OF SPECIAL EDUCATION, SECTION 504, AND ADA

Relationship between Section 504 and Special Education (IDEA)

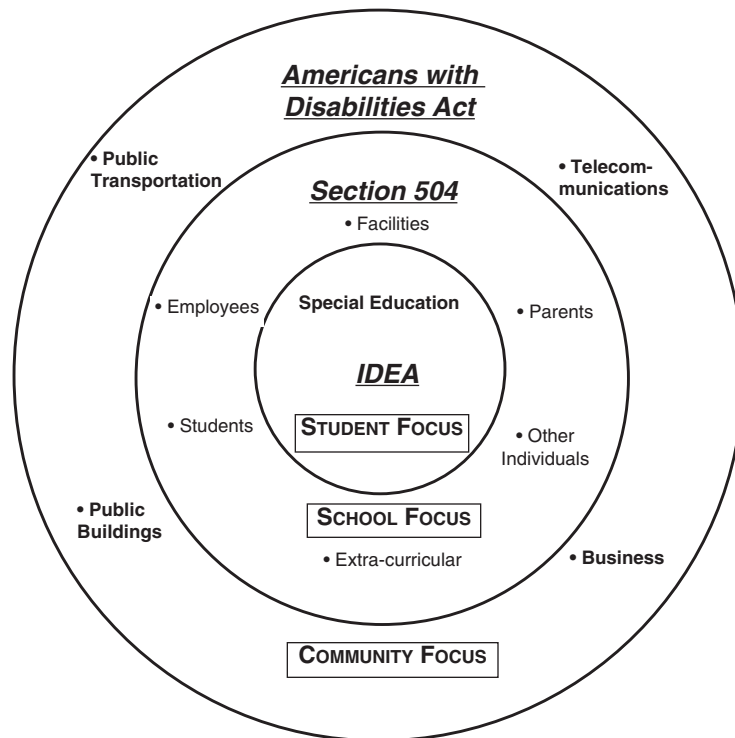
Section 504, while intended to be consistent with the Individuals with Disabilities Education Act P.L. 105-17 (IDEA), is more encompassing. All individuals who receive special education and related services under IDEA are also considered to be qualified individuals under Section 504. However, all individuals who qualify for Section 504 services may not qualify for special education under IDEA.

The figure below gives a visual representation of the relationship between Section 504, special education, general education, and the Americans with Disabilities Act.

Special education defines as eligible only students who have certain specific types of disabilities and who, because of those conditions, need special education and related services. **The Section 504 definition of a disability is much broader, including any physical or mental disability that substantially limits one or more major life activity, including, but not limited to, learning.** Section 504 covers all students who meet this definition, even if they do not fall within a special education category and do not need special education. Section 504 also covers school employees and others with disabilities.

Section 504 regulations concerning provision of a free appropriate public education closely parallel requirements of special education. Individuals who qualify for Section 504 educational services may require accommodations. The eligibility for Section 504 services must be based upon evaluations conducted by a team of individuals knowledgeable of the student.

The next few pages illustrate similarities and differences between the three major laws.



COMPARISON

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT — 2004	AMERICANS WITH DISABILITIES ACT
Type	A Civil Rights Law	An Education Act	A Civil Rights Law
Title	The Rehabilitation Act of 1973	The Individuals With Disabilities Education Improvement Act (IDEA)	Americans With Disabilities Act of 1990 (ADA)
Purpose	Is a civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.	Is a federal funding statute whose purpose is to provide financial aid to States in their efforts to ensure a free appropriate public education for students with disabilities.	Provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
Responsibility	General education, but shared with special education	Special education, but shared with general education	Public and private schools, business establishments, and public buildings (services)
Funding	State and local responsibility (no federal funding)	State, local, and federal IDEA funds. IDEA funds cannot be used to serve students eligible only under Section 504.	Public and private responsibility (no federal funding)
Administrator	Section 504 coordinator (Systems with 15 plus employees) to coordinate efforts to comply with this law	Special education director or designee	ADA coordinator is required to coordinate efforts to comply with this law.
Service Tool	Accommodations and/or services	Individualized Education Program (IEP). Some IEPs will include Section 504 accommodations necessary for success in the general classroom.	Reasonable accommodations and legal employment practices

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT – 2004	AMERICANS WITH DISABILITIES ACT
Population	Identifies person as disabled so long as she/he meets the definition of qualified persons with disabilities, i.e., has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as disabled by others.	Identifies 13 qualifying conditions: autism, deafness, deaf-blindness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.	Identifies person as disabled so long as she/he meets the definition of a qualified person with disabilities; i.e., has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as disabled by others.
Eligibility	A student is eligible so long as she/he meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as disabled by others. The student is not required to need special education services to be protected.	A student is only eligible to receive special education and related services if the multidisciplinary team determines that the student has a disability under one of the 13 qualifying conditions and requires special education services.	A person is eligible so long as she/he meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity or is regarded by others as having a disability. The student is not required to need special education services in order to be protected.
Free Appropriate Public Education	A student could receive special education services and/or related services and/or accommodations.	A student must first be eligible and need special education before they are entitled to a related service.	Addresses education in terms of accessibility requirements. Requires private and public entities not to use employment practices that discriminate on the basis of a disability.

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT – 2004	AMERICANS WITH DISABILITIES ACT
Accessibility	Federal regulations regarding building and program accessibility require that reasonable accommodations be made.	Requires that modifications must be made if necessary to provide access to a free appropriate public education.	Requires that public programs be accessible to individuals with disabilities.
Undue Hardship	Consideration is given for the size of the program, extent of accommodation, and cost relative to the total school budget.	Budget and administrative convenience is never an excuse.	Consideration is given to the size of the business and its budget, type of operation, and nature and cost of accommodation.
Drug and Alcohol Use	Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be eligible for accommodations.	Drug and alcohol use is not covered under special education.	Current drug use is not considered a disability. Current alcohol abuse that prevents individuals from performing duties of the job or that constitutes a direct threat to property or safety of others is not considered a disability.
Contagious Diseases	Individual with disabilities excludes any individual with a contagious disease that renders the individual unable to perform the job.	Could be eligible under the category of “other health impaired.”	Permits qualification standard requiring that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of others.
Procedural Safeguards	Both require notice to the parent or guardian with respect to identification, evaluation, and placement.		Makes provisions for public notice, hearings, and awarding attorney fees.

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT – 2004	AMERICANS WITH DISABILITIES ACT
Procedural Safeguards Cont.		Notice provisions are much more comprehensive. Minimum requirements of the notice are specified.	Self-evaluations and transition plans are required and updated annually.
Notice and Consent	Notice is required before a “significant change in placement.” Written consent would be considered a best practice.	Written notice is required prior to any change in placement. Consent is required before the initial placement and reevaluation.	
Evaluations	Evaluation draws on information from a variety of sources in the area of concern. Decisions are made by a group knowledgeable about the student, evaluation data, and placement options. Requires written parental notice. Written parental consent is considered a best practice. Requires periodic reevaluations. Reevaluation is required before a significant change in placement. No provision is made for independent evaluations at district expense. The school district should consider other evaluations and information regarding the student.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team. Consent is required before the initial evaluation is conducted. Requires reevaluations to be conducted at least every three years if determined appropriate by the team. A reevaluation is not required before a significant change in placement. However, most students covered by IDEA are also eligible under Section 504. Provides for independent educational evaluation. A due process hearing is available if the school and parent disagree on the need for an independent evaluation.	All schools should conduct or update their Section 504 evaluation regarding services, accessibility, practices, and policies to assure discrimination is not occurring with any individual with disabilities.

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT — 2004	AMERICANS WITH DISABILITIES ACT
Services	<p>When interpreting evaluation data and making service decisions, both laws require districts to do the following:</p> <ul style="list-style-type: none"> • Draw upon information from a variety of sources. • Ensure that all information is documented and considered. • Ensure that the service decision is made by a group of persons including those who are knowledgeable about the student, disability, the meaning of the evaluation data, and placement options. • Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate (Least Restrictive Environment — LRE). • Provide notice and evaluation before any change of services. 		
Review of Program	Accommodations should be reviewed periodically.	An IEP review meeting is required at least annually or before any significant change.	
Grievance Procedures	Requires districts to provide a grievance procedure for parents, students, and employees.	Does not require a grievance procedure. Complaint Procedures (SEA)	Any school district shall adopt and publish grievance procedures for resolution of ADA complaints.
Complaint Procedures	An individual or organization may file a complaint with the Office for Civil Rights. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.	A formal complaint process is required. Parents can file a complaint with the State. A decision must be provided within 60 days.	An individual or organization may file a complaint with the Office of Civil Rights. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT – 2004	AMERICANS WITH DISABILITIES ACT
Due Process	Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities. School districts or parents can initiate due process hearings. Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details. Delineates specific requirements.		Due process hearings can be initiated by either party. The court may allow a reasonable attorney's fee for the prevailing party.
Mediation	Not required. However, mediation should always be suggested.	Mediation is optional for the parents and should always be suggested.	Not required. However, mediation should always be suggested.
Exhaustion	Administrative hearing is not required prior to OCR involvement or court action.	The parent or guardian should exhaust all administrative hearings before seeking court action.	An administrative hearing is not required prior to OCR involvement or court action.
Enforcement	Enforced by the U.S. Office of Civil Rights. Regional offices are located throughout the United States. The office is part of the U.S. Department of Education.	Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Board of Education and the Office of Special Education Programs.	Enforced by the U.S. Office for Civil Rights under an agreement with EEOC.

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT – 2004	AMERICANS WITH DISABILITIES ACT
Discipline of Students With Disabilities	<p>Requires that a school district evaluate all students with disabilities before making an initial placement or any subsequent, significant change in his or her placement. The proposed exclusion of a student with disabilities that is permanent (expulsion), for an indefinite period, or for more than 10 consecutive school days, constitutes a “significant change in placement.”</p> <p>Before implementing a suspension or expulsion that constitutes a significant change in the student’s placement, the school must conduct a reevaluation to determine if the behavior was caused by the disability.</p> <p>If there is no relationship between the disability and the behavior, the school can expel the student but still needs to provide a free appropriate public education. This means special education services outlined in the IEP.</p>	<p>Requires that a school district evaluate all students with disabilities before making an initial placement or any subsequent, significant change in his or her placement. The proposed exclusion of a student with disabilities that is permanent (expulsion), for an indefinite period, or for more than 10 consecutive school days, constitutes a “significant change in placement.”</p> <p>Before implementing a suspension or expulsion that constitutes a significant change in the student’s placement, the school must conduct a reevaluation to determine if the behavior was caused by the disability.</p> <p>If there is no relationship between the disability and the behavior, the school can expel the student but still needs to provide a free appropriate public education. This means special education services outlined in the IEP.</p>	



PROCEDURAL REQUIREMENTS

SCHOOL PROCEDURAL REQUIREMENTS OF SECTION 504/ADA*

To be in compliance with Section 504/ADA, schools must do the following:

1. Provide written assurance of nondiscrimination whenever the school receives federal money (e.g., on the LEA application). [34 CFR § 104.5(a)] (*see Page 33*)
2. Designate an employee to coordinate compliance with Section 504/ADA (if there are more than 15 employees). [34 CFR § 104.7(a)] (*see Page 33*)
3. Provide grievance procedures to resolve complaints of discrimination (if more than 15 employees). This does not apply to denial of employment. [34 CFR § 104.7(b)] (*see Pages 34–36*). Mediation, complaint process, and due process hearings. (*see Pages 37–38*)
4. Provide notice to students and parents. A separate notice should be available for employees, unions, and professional organizations of nondiscrimination in admission or access to, treatment, and employment in its programs or activities (if more than 15 employees). Notice must be included in student/parent handbook. [34 CFR §104.8] (*see Page 39*)
5. The school will identify and locate qualified children with disabilities within their jurisdiction. (*see Page 40*)
6. Annually notify persons with disabilities and their parents or guardians of the school's responsibilities under Section 504/ADA. [34 CFR § 104.32(b)] (*see Page 41*)
7. Provide parents or guardians with procedural safeguards: (*see Page 42*)
 - a. Notice of their rights.
 - b. An opportunity to review relevant records.
 - c. An impartial hearing: It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of individuals with disabilities. [34 CFR § 104.36]
 - d. Review procedures: Compliance with the procedural safeguards under special education is one way of meeting these requirements.
8. Conduct a self-evaluation of the school facilities, programs, and policies to ensure that discrimination is not taking place. (34 CFR § 104.6 (c). This study should be conducted with the assistance of interested persons, including persons with disabilities. (*see Page 43*)

**Adapted from Perry Zirkel*

The next few pages will clarify these procedures for complying with requirements under Section 504/ADA.

PROCEDURE ONE: WRITTEN ASSURANCE OF NONDISCRIMINATION

Whenever a school applies for state or federal monies, it must assure that it does not discriminate on the basis of race, sex, color, national origin, age, or disability. This requirement is done routinely by all schools.

PROCEDURE TWO: SECTION 504 COORDINATOR

The general provisions of Section 504/ADA, together with other federal nondiscrimination laws, require the designation of a person to coordinate the school's efforts to comply with these laws. Coordination activities could include some or all of the following:

Suggested Responsibilities of the Section 504/ADA Coordinator:

- Ensure nondiscriminatory educational practices.
- Establish and monitor a Section 504/ADA referral/identification/review process.
- Maintain data on Section 504/ADA referrals.
- Conduct staff and parent awareness and training activities concerning Section 504/ADA requirements.
- Implement Section 504/ADA grievance procedures.
- Monitor Section 504/ADA budget.
- Consult with the director of special education.
- Serve as a school liaison with the state Section 504/ADA coordinator.
- Serve as the school liaison with the Regional Office for Civil Rights.

The Section 504/ADA coordinator could be someone already employed by the school. A general education administrator or school counselor who is knowledgeable about federal laws and regulations would be preferred.

PROCEDURE THREE: GRIEVANCE PROCEDURES

Section I

If any person believes that the school or any of the school's staff have inadequately applied the regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, or (4) the Americans with Disabilities Act, he/she may bring forward a grievance to the school's Section 504/ADA coordinator. It should be understood by the individual(s) involved that a complaint can be made to the Office for Civil Rights without going through the school's grievance procedures. The grievance procedures are to provide for a prompt and equitable resolution of a complaint.

Section II

The school 504 coordinator, on request, will provide a copy of the school's grievance procedure and investigate all complaints in accordance with this procedure. The grievance procedure should include a statement that a copy of each of the acts and the regulations on which this notice is based, may be found in the coordinator's office.

The person who believes he/she have been discriminated against based on disability shall discuss the grievance and give the completed grievance form to the school Section 504/ADA coordinator who shall in turn investigate the complaint and reply with an answer to the complaint.

Step 1

A written grievance form signed by complainant shall be submitted to the school Section 504/ADA coordinator. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within 10 business days.*

Step 2

If the complainant wishes to appeal the decision of the school Section 504/ADA coordinator, he/she may submit a signed statement of appeal to the superintendent of schools within 10 business days* after receipt of the coordinator's response. The coordinator and superintendent cannot be the same individual. The superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.*

** These are suggested grievance timelines. If the superintendent also serves as the Section 504/ADA coordinator, the appeal must go to another individual or the school board.*

SECTION 504/ADA GUIDELINES FOR EDUCATORS

Step 3

If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the local board of education within 10 business days of his/her receipt of the superintendent's response in step two. In an attempt to resolve the grievance, the board shall meet with the concerned parties and their representative within 40 days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party within 10 business days of this meeting.

Step 4

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures: Office for Civil Rights, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, CO 80204-3582. (303) 844-5695, TTY (303) 844-3417.

SECTION 504/ADA DISCRIMINATION/GRIEVANCE FORM

Date_____

Name _____ Title_____

Student _____

Address _____

Phone _____

1. Summary of Grievance — What is the problem?

2. How can the problem be solved?

3. Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

4. If others are affected by the possible violation, please give their names and/or positions.

Signature of Parent

Date

Signature of Section 504 Coordinator

Date

MEDIATION

Most of the time parents and school staff agree upon issues regarding evaluation, eligibility, program, and placement of students with disabilities. However, there are times when disagreement occurs.

Conflict is often inevitable, but it need not produce negative results. If the parent and school are unable to resolve a conflict concerning a student with a disability, then mediation is an available alternative to a long and expensive due process hearing.

The mediator is a neutral third party and, therefore, has no power to make a decision regarding the dispute. He or she will listen to the views of each party and will assist in developing an acceptable solution to the problem. The mediator has been trained to handle Section 504 disputes.

Mediation is completely voluntary. It should not interfere with any procedural safeguards, including a request for a due process hearing or filing a complaint with OCR. **Mediation costs are the responsibility of the school.**

A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student. This occurs at a non-adversarial meeting that is more structured than a parent-school conference, but less formal than a due process hearing.

If you have any questions after reviewing these materials, please do not hesitate to contact the school Section 504/ADA coordinator or the Utah State Office of Education.

Parents and schools are encouraged to try mediation before relying on more formal procedures such as the grievance procedures, complaints to OCR, or due process hearings.

OFFICE FOR CIVIL RIGHTS COMPLAINT PROCESS

An individual or an organization may file a complaint with the regional Office for Civil Rights (OCR) in Denver, Colorado. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices:

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required).
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
- The name and location of the institute that committed the alleged discriminatory act(s).
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, age, or disability).

A school may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation.

SECTION 504

DUE PROCESS HEARING PROCEDURE

DUE PROCESS is defined here as an opportunity to present objections and reasons for the objections to the decisions and/or procedures used by the school under Section 504. A Section 504 due process hearing may be called:

At the request of the school, or a parent, a guardian, or surrogate parent of the student.

The proceedings will be presided over and decided by an impartial hearing officer. An impartial hearing officer is a person selected to preside at a due process hearing to assure that *proper procedures are followed and to assure the protection of the rights of both parties.*

A copy of the hearing officer's decision shall be delivered to the school and the parent or guardian following completion of the hearing which in no event shall be later **than 45 days** after receipt of the request for a hearing.

A written or verbatim recording of the due process hearing shall be on file at the school office and shall be available for review upon request to the parents or involved parties.

It is important that **parents or guardians** be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabilities.

If the school proposes to change the student's placement and the parent files a request for a hearing, the school is obligated to maintain the student's placement until administrative proceedings are completed.

PROCEDURE FOUR: GENERAL NOTICE TO STUDENTS, PARENTS, EMPLOYEES, AND OTHER INDIVIDUALS

Example

SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT

NOTICE OF NONDISCRIMINATION

Applicants for admission and employment, students, parents, persons with disabilities, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the _____ are hereby notified that this school does not discriminate on the basis of race, sex, color, national origin, age, or disability in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the school's compliance with the regulations implementing Title VI, Title IX, The Americans with Disabilities Act (ADA) or Section 504 is directed to contact:

who has been designated by the school to coordinate efforts to comply with the regulations regarding nondiscrimination.

***Recommendations for notice dissemination:**

- Staff, parent, and student handouts
- Letterheads
- Staff workrooms
- Bulletin boards
- Included on professional contracts
- Included on job announcements
- Annual mailing to staff
- School district website

PROCEDURE FIVE: LOCATE AND IDENTIFY

The school shall maintain an ongoing program to find unserved children who might qualify for special education and Section 504/ADA services. To encourage the use of services and ongoing assistance at the earliest age possible, the following methods could be used to identify unserved children:

- Utilize the existing special education child find process; just add Section 504 language to the school's notice and announcements.
- A series of spot announcements on all local news media.
- A series of posters to be placed in post offices, city hall, schools, and other public buildings.
- Distribution of a referral form to such public and private agents as hospital administrators, public health officers, social welfare offices, private medical practitioners, public nursery schools, and/or child-care and Head Start directors. Referrals should be made to the special education director, or Section 504/ADA coordinator, for appropriate action.

It is recommended that the school district combine the special education and Section 504 Child Find procedures. Costs should be shared between special and general education budgets.

PROCEDURE SIX: NOTICE TO INDIVIDUALS WITH DISABILITIES AND PARENTS

Example

NOTICE

**Programs for Students with Disabilities under
Section 504 of the Rehabilitation Act of 1973
and the Americans with Disabilities Act of 1990**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against persons with a disability in any program receiving federal financial assistance. Section 504/ADA defines a person with a disability as anyone who:

Has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The school has the responsibility to provide accommodations and services to eligible individuals with disabilities.

The school acknowledges its responsibility under Section 504/ADA to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practice in the school.

***Recommendations for notice dissemination:**

- Upon referral to parents
- School district website
- Letterheads
- Staff workrooms
- Bulletin boards
- Included on professional contracts
- Included on job announcements
- Annual mailing to staff

PROCEDURE SEVEN: PARENTS AND STUDENT RIGHTS UNDER SECTION 504/ADA

Example

The following is a description of student and parent rights under Section 504 and other federal laws. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Receive notice with respect to identification, evaluation, program, or placement of your child.
3. Have your child receive a free appropriate public education. This includes the right to be educated with other students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
4. Have your child educated in facilities and receive services comparable to those provided for students without disabilities.
5. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know the student, disability, evaluation data, and placement options.
6. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school.
7. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
8. File a local grievance with your school if you feel your child is being discriminated against because of their disability.
9. Request a due process hearing to help resolve issues with the school.
10. File a formal complaint with the regional Office for Civil Rights. The office is part of the U.S. Department of Education. The regional office is located at 1244 Speer Boulevard, Suite 310, Denver, Colorado, 80204-3582.

PROCEDURE EIGHT: SELF-EVALUATION

A self-evaluation to determine possible discrimination involving school facilities, programs, activities, and policies is a requirement of both Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Any school that employs 15 or more employees shall conduct such an evaluation and develop a transition plan that outlines how the school will eliminate any form of discrimination. The self-study should be on file and available for public inspection.

The following are key considerations when conducting the self-evaluation:

- Evaluate facilities, programs, and policies for possible discriminatory practices.
- Involve other individuals, including persons with disabilities.
- Develop a Section 504/ADA transition plan that outlines any modifications that will be necessary. This plan identifies facilities, programs, and policies that could be discriminatory, and how the school intends to solve the problems.
- Modify any policies, facilities, or practices that do not meet the requirements of Section 504 or ADA, after consultation with others, including persons with disabilities.
- Take appropriate remedial steps to eliminate the effects of any discrimination resulting from policies and practices.
- Keep a copy of the self-evaluation on file for public inspection.
- Conduct periodic updates of the self-evaluation.
- Ensure all new policies are nondiscriminatory.
- Ensure all new facilities are accessible for individuals with disabilities.

School districts should request comprehensive instructions and forms to conduct a self-assessment for the Utah State Office of Education or Office for Civil Rights.



ELIGIBILITY AND DETERMINATION OF SERVICES

General Procedures: An Overview

If the school has reason to suspect that because of a disability a student needs accommodations in the general educational environment in order to have equally effective participation in the school program, the school must notify the parent of an individual evaluation, evaluate the student, and develop and implement a plan for the delivery of all necessary educational accommodations. Requirements for the evaluation and placement process are determined by the type of disability suspected and the type of services needed by the student. The evaluation must be sufficient to assess the nature and extent of the educational impact of the disability so that appropriate educational services can be determined. The team knowledgeable about the student makes the decision based on evaluation data. Identification of services needed must be made by a group of persons knowledgeable about the student. Decisions about Section 504/ADA eligibility must be documented in the student's Section 504/ADA file and reviewed at least yearly and whenever any member of the team feels it necessary. A case manager should be assigned to complete and manage each Section 504/ADA student file. A student's program must be provided in the least restrictive environment, most likely, the general education classroom.

Under Section 504/ADA, parents or guardians must be provided with notice of any action that changes the identification, evaluation program, or placement of their child. Written consent would be considered a **best practice**. The parents should be included in the evaluation, eligibility, and placement process. Parents or guardians have the right to file a grievance, request mediation, ask for a due process hearing, or call the regional Office for Civil Rights in Denver, Colorado, if they disagree with the school.

— BEST PRACTICE —

*Parent participation should always be encouraged
throughout the Section 504/ADA process.*

SECTION 504 ELIGIBILITY

The following is the eligibility criteria for a student to receive accommodations under Section 504.

A person may be considered disabled under the definition of Section 504/ADA if the individual:

1. Has a mental or physical impairment that substantially limits one or more of such person's major life activities and impacts the student's educational program.

“Major life activities” include functions such as:

- caring for one's self
- walking
- seeing
- speaking
- learning
- performing manual tasks
- hearing
- breathing
- working

When a condition does not substantially limit a major life activity, the individual does not qualify for services under Section 504/ADA. The condition must impact the child's educational program.

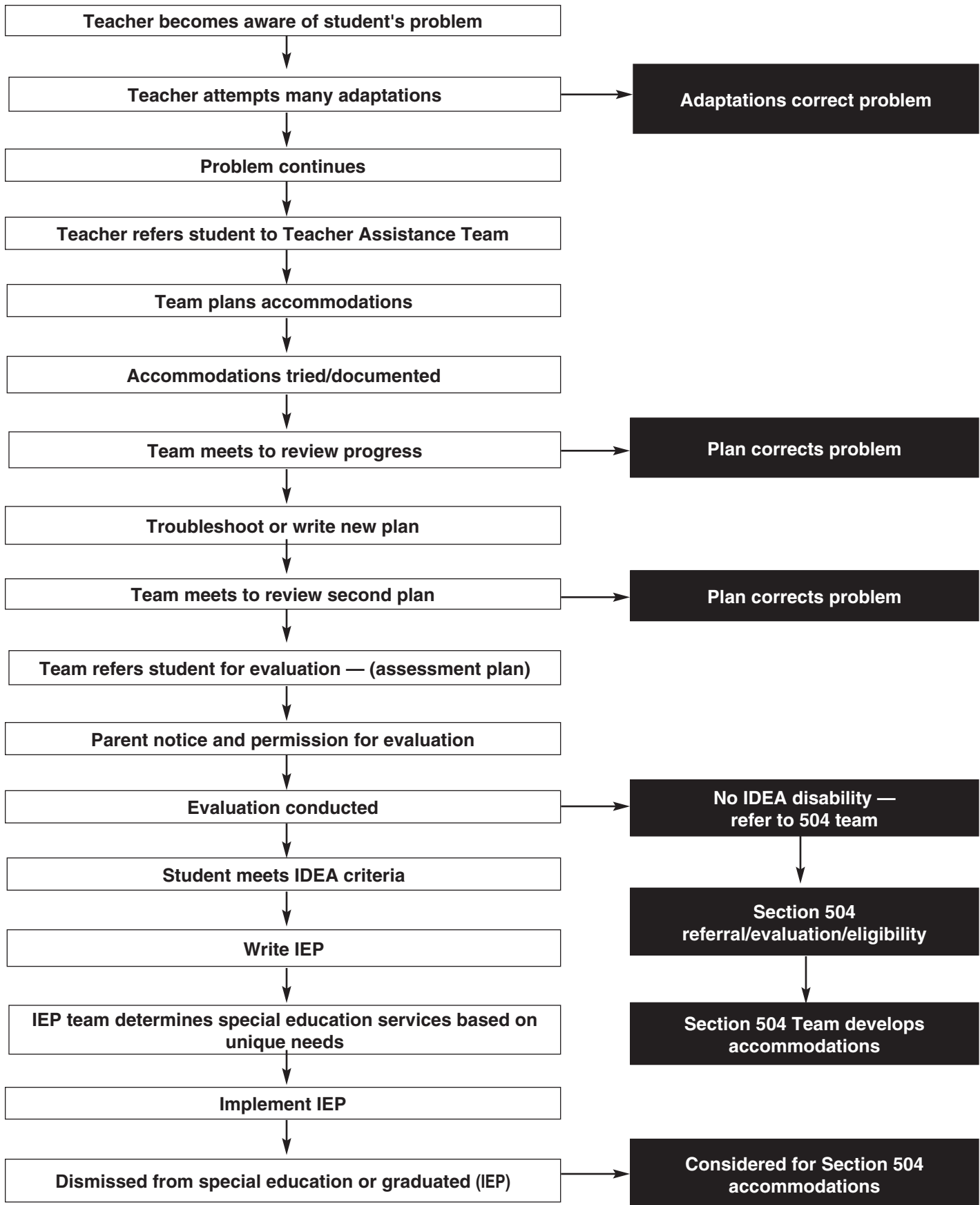
2. Has a record of such an impairment.
3. Is regarded as having such an impairment.

The second and third prongs of the definition only become a factor if discrimination has occurred because of the “record” or “history” or is regarded as having an impairment. (See Appendix C, OCR policy letter.)

RED FLAGS FOR CONSIDERING POSSIBLE ACCOMMODATIONS AND/OR SERVICES UNDER SECTION 504/ADA:

- When a **parent** frequently expresses a concern about their child's performance.
- When **suspension or expulsion** is being considered for any student.
- When **retention** is being considered for any student.
- When a student shows a pattern of **not benefiting from instruction**.
- When a student returns to school after a **serious illness or injury**.
- When a student is **referred for evaluation**, but it is determined not to do an evaluation under the **IDEA**.
- When a student is evaluated and **does not qualify for special education** services under the **IDEA**.
- When a student **exhibits a chronic health condition**.
- When a student has been identified as having **attention deficit disorder (ADD)** or **attention deficit hyperactivity disorder (ADHD)**.
- When a student is identified as "**at risk**" or exhibits the potential for dropping out of school.
- When **substance abuse** is an issue. The individual must have stopped using the substance and should either be in rehabilitation or have gone through the rehabilitation process.
- When a **disability** of any kind is known or suspected.
- When a new **building or remodeling** is being considered.
- When a student has a **parent with a disability**.

PROCESS FOR THE DETERMINATION OF SERVICES



SUGGESTED PROCESS FOR DETERMINING SERVICES

The Section 504/ADA coordinator and school staff should ensure that the following process has occurred.

General Education Interventions

1. If a student experiences educational difficulties, a teacher assistance team meets to discuss the concerns.
2. The team suggests intervention strategies to help correct the difficulties. The primary function of the team is to offer assistance to teachers.
3. If the strategies are unsuccessful, the team can make a referral for evaluation to Section 504/ADA, special education, or Title 1.

Referral

4. Referrals are accepted from parents and/or the teacher assistance team.
5. The presenting problem(s) and previous remedies are considered and reviewed. The summary should include all current information and recommendations.

Notification

6. The school notifies the parents, in writing, of the school's reason and intent to conduct an evaluation. The notice should include a description of the evaluation and of procedural safeguards.

Written Consent

7. Even though Section 504/ADA does not require written consent before the initial evaluation, consent should always be considered a **best practice**.

Evaluation

8. The school evaluates a student suspected of having a disability before making an initial provision for services or any subsequent, significant change in his or her services.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

Eligibility

9. Section 504/ADA team—a recommended strategy is to use the teacher assistance team as the Section 504/ADA team. The team meets and analyzes the evaluation data to determine if the individual has a mental or physical impairment that substantially impairs a major life activity and impacts education.

Written Consent

10. Even though Section 504/ADA does not require written consent before the initial service, consent should always be considered a **best practice**.

Services

11. These factors were considered by a group of individuals knowledgeable about the student, disability, evaluation, and service options:
 - a. Evaluation results
 - b. Section 504/ADA eligibility
 - c. The student's unmet needs
 - d. Services and/or accommodations based on eligibility
 - e. Least restrictive environment for services
 - f. Discuss and plan possible staff inservice

Implementation

12. The school staff makes the necessary accommodations/services to allow for the student's disability. Parents should be consulted and given opportunity for input regarding the accommodations.
13. The accommodations and/or services are implemented.

Review

14. Each student's accommodations and/or services are reviewed periodically.

— BEST PRACTICE —

The team should review the accommodations at least annually.

SECTION 504

ACCOMMODATIONS/SERVICES

The following is a list of possible strategies and accommodations for eligible students. Each case must be considered based upon the unique needs of the student.

Environmental Strategies

- Provide a structured learning environment.
- Adjust class schedule.
- Provide classroom aides and note takers.
- Modify nonacademic times such as lunch room and recess.
- Modify physical education.
- Change student seating.
- Provide use of a study carrel.
- Alter location of personal or classroom supplies for easier access or to minimize distraction.

Organizational Strategies

- Modify test delivery.
- Use tape recorders, computer-aided instruction, and other audiovisual equipment.
- Select modified textbooks or workbooks.
- Tailor homework assignments.
- Use of one-to-one tutorials.
- Provide peer tutoring.
- Set time expectations for assignments.

- Provide tests in segments so that student finishes one segment before receiving the next part.
- Highlight main ideas and supporting details in the book.

Behavior Strategies

- Use behavioral management techniques.
- Implement behavioral/academic contracts.
- Utilize positive reinforcements (rewards).
- Utilize negative reinforcements (consequences).
- Confer with the student's parents and other teachers.
- Establish a home/school communication system for behavior monitoring.
- Post rules and consequences for classroom behavior.
- Write a contract for student behavior.
- Offer social reinforcers (i.e., praise) for appropriate behavior.
- Establish daily/weekly progress report for the student.
- Implement self-recording of behaviors.

Presentation Strategies

- Tape lessons for the student.
- Provide photocopied material for extra practice (i.e., outlines, study guides).
- Require fewer drill and practice activities.
- Give both oral and visual instructions for assignments.
- Vary the method of lesson presentation:
 - a. lecture
 - b. small groups

- c. large groups
 - d. use audio visuals (i.e., filmstrips, study prints)
 - e. peer tutors or cross-age tutors (i.e., take notes, monitor assignments, read aloud, listen)
 - f. demonstrations
 - g. experiments
 - h. simulations
 - i. games
 - j. one-to-one instruction with other adult
- Provide for oral testing.
 - Ask student to repeat directions/assignments to insure understanding.
 - Arrange for a mentor to work with student in his or her interest area or area of greatest strength.

Methodology Strategies

- Repeat and simplify instructions about in-class and homework assignments.
- Supplement oral instructions with visual instructions.
- Change instructional pace.
- Change instructional methods.

Curriculum Strategies

- Assess whether student has the necessary prerequisite skills. Determine whether materials are appropriate to the student's current interest and functioning levels.
- Utilize supplementary materials.
- Implement study skill strategies (survey, read, recite, review). Introduce definition of new terms/vocabulary and review to check for understanding.
- Limit amount of material presented on a single page.
- Provide a sample or practice test.
- Be aware of student's preferred learning style and provide appropriate instruction/materials.

100 effective accommodations/services for students experiencing academic and/or behavioral difficulties.

1. Provide study carrels.
2. Use room dividers.
3. Provide headsets to muffle noise.
4. Seat child away from doors/windows.
5. Seat near model (student or teacher).
6. Provide time-out area.
7. Rearrange student groups (according to instructional needs, role models, etc.).
8. Group for cooperative learning.
9. Vary working surface (e.g., floor or vertical surface such as blackboards).
10. Simplify/shorten directions.
11. Give both oral and written directions.
12. Have student repeat directions.
13. Have student repeat lesson objective.
14. Ask frequent questions.
15. Change question level.
16. Change response format (e.g., from verbal to physical, from saying to pointing).
17. Provide sequential directions (label as first, second, etc.).
18. Use manipulatives.
19. Alter objective criterion level.
20. Provide functional tasks (relate to child's environment).
21. Reduce number of items on a task.
22. Highlight relevant words/features.
23. Use rebus (picture) directions.
24. Provide guided practice.
25. Provide more practice trials.
26. Increase allocated time.
27. Use a strategy approach.
28. Change reinforcers.
29. Increase reinforcement frequency.
30. Delay reinforcement.
31. Increase wait time.
32. Use physical warm-up exercises.
33. Use specific rather than general praise.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

34. Have a peer tutor program.
35. Provide frequent review.
36. Have student summarize at end of lesson.
37. Use self-correcting materials.
38. Adapt test items for differing response modes.
39. Provide mnemonic devices.
40. Provide tangible reinforcers.
41. Use behavioral contracts.
42. Establish routines for handing work in, heading papers, etc.
43. Use timers to show allocated time.
44. Teach self-monitoring.
45. Provide visual cues (e.g., posters, desktop number lines, etc.).
46. Block out extraneous stimuli on written material.
47. Tape record directions.
48. Tape record student responses.
49. Use a study guide.
50. Provide critical vocabulary list for content material.
51. Provide essential fact list.
52. Use clock faces to show classroom routine times.
53. Use dotted lines to line up math problems or show margins.
54. Provide transition directions.
55. Assign only one task at a time.
56. Provide discussion questions before reading.
57. Use word markers to guide reading.
58. Alter sequence of presentation.
59. Enlarge or highlight key words on test items.
60. Provide daily and weekly assignment sheets.
61. Post daily/weekly schedule.
62. Use graph paper for place value or when adding/subtracting two-digit numbers.
63. Provide anticipation cues.
64. Establish rules and review frequently.
65. Teach key direction words.
66. Use distributed practice.
67. Provide pencil grips.

68. Tape paper to desk.
69. Shorten project assignment into daily tasks.
70. Segment directions.
71. Number (order) assignments to be completed.
72. Change far-point to near-point material for copying or review.
73. Put desk close to blackboard.
74. Incorporate currently popular themes/characters into assignments for motivation.
75. Repeat major points.
76. Use physical cues while speaking (e.g., 1, 2, 3, etc.).
77. Pause during speaking.
78. Use verbal cues (e.g., "Don't write this down," "This is important").
79. Change tone of voice, whisper, etc.
80. Use an honor system.
81. Collect notebooks weekly (periodically) to review student notes.
82. Reorganize tests to go from easy to hard.
83. Color code place value tasks.
84. Use self-teaching materials.
85. Do only odd or even numbered items on a large task sheet.
86. Use a primary typewriter or large print to create written material.
87. Provide organizers (e.g., cartons/bins) for desk material.
88. Teach varied reading rates (e.g., scanning, skimming, etc.).
89. Provide content/lecture summaries.
90. Use peer-mediated strategies (e.g., "buddy system").
91. Call student's name before asking a question.
92. Use extra spaces between lines of print.
93. Color code materials/directions.
94. Use raised-line paper.
95. Provide calculators.
96. Circle math computation sign.
97. Use hand signals to cue behavior (e.g., attention, responding).
98. Establish a rationale for learning.
99. Use advance organizers.
100. Help students develop their own learning strategies.

EXAMPLES OF DISABILITIES AND ACCOMMODATIONS

The Section 504 accommodations/services a student receives will be based upon the unique needs identified during the evaluation process. Many accommodations listed could be the parents' or students' responsibility.

These disabilities could also be covered by Section 504/ADA if the condition is substantially limiting to a major life activity and impacts education.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

EXAMPLE: The student frequently misses school and does not have the strength to attend a full day. This student has a disability that substantially limits the life activities of learning and caring for one's self.

Possible Accommodations:

- Develop health care and emergency plan.
- Apply universal precautions.
- Administer medications, if necessary.
- Adjust attendance policies.
- Adjusted schedule or shortened day.
- Provide rest periods.
- Adapt physical education curriculum.
- Establish routine communication with health professionals, school nurse, and home.
- Meet with doctor, parents, teachers, and administrators.
- Provide two way audio/video link between home and classroom.
- Arrange for an adult tutor at school or home.
- Modify assignments and tests.

- Provide education and support for peers regarding issues of death and dying.
- Tape books or provide a personal reader.
- Provide a home computer with e-mail.
- Arrange for a support group.
- Develop and promote nondiscriminatory classroom climate and supportive student attitudes.
- Initiate a “Kids on the Block” disability awareness program.
- Videotape classroom teacher.
- Provide a peer support group to encourage communication.
- Furnish homebound services for extended periods of illness.

ALLERGIES

<i>EXAMPLE: The student has severe allergic reactions to certain pollens and foods. The condition is substantially limiting to the major life activity of breathing.</i>
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Possible Accommodations:

- Avoid allergy causing substance: soap, weeds, perfumes, pollen, and food.
- Provide clean rooms and avoid rooms with carpet.
- Allow time for shots/clinic appointments.
- Use air purifiers.
- Adapt physical education curriculum during high pollen time.
- Improve room ventilation. (When remodeling has occurred and materials may cause an allergy.)

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ARTHRITIS

EXAMPLE: A student with arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain may require a modified physical education program. The condition is substantially limiting to the major life activity of performing manual tasks.

Possible Accommodations:

- Develop health care plan and emergency plan.
- Provide a rest period during the day.
- Accommodate for absences for doctor's appointments.
- Provide assistive devices for writing (e.g., pencil grips, non-skid surface, typewriter/computer, etc.).
- Modify physical education curriculum.
- Administer medication, if necessary.
- Arrange for assistance with carrying books, lunch tray, etc.
- Provide book caddy.
- Implement movement plan to avoid stiffness.
- Provide seating accommodations.
- Allow extra time between classes.
- Provide locker assistance.
- Provide modified eating utensils.
- Make available access to wheelchair/ramps and school van for transportation.
- Provide time for exercises that may be needed.
- Modify recess time.
- Provide peer support groups.

- Arrange for someone else to take notes.
- Install handle style door knobs (openers).
- Record lectures/presentations.
- Have teacher provide outlines of presentation.
- Issue Velcro fasteners for bags, shoes, coats.
- Obtain padded chairs.
- Provide a more comfortable style of desk.
- Adjust attendance policy, if needed.
- Furnish a warmer room and sit student close to the heat.
- Supply an extra set of books for home use and keep a set at school.
- Let student give reports orally rather than written.
- Modify the school curriculum, as necessary, i.e., in band assist in selecting instrument student can play.
- Make any needed bathroom accommodations.
- Accommodate for writing with a computer and notetaking with a tape recorder.

ASTHMA
<p><i>EXAMPLE: A student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. The disability limits the major life activity of breathing. The school is required to make reasonable accommodations in the education program.</i></p>

Possible Accommodations:

- Develop health care and emergency plan.
- Modify activity level for recess, physical education, etc.
- Use air purifier or inhalants.
- Remove allergens (e.g., hairspray, lotions, perfumes).
- Accommodate medical absence; arrange transportation to home/clinic.

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- Provide education to peers/teachers/others (bus drivers, cooks, etc.).
- Provide access to water, gum, etc.
- Provide compensation if individual misses an excessive amount of school.
- Have peers available to carry materials to and from classes (e.g., lunch tray, books).
- Provide rest periods.
- Make school health care needs known to appropriate staff.
- Modify field trip experiences.
- Provide indoor space before and after school.
- Arrange for access to wheelchair for transition purposes.
- Have a locker location that is centralized and free of atmosphere changes.
- Modify attendance policies.
- Modify certain learning activities.

ATTENTION DEFICIT DISORDER (ADD) AND ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)

<i>EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. The student is regarded as having ADD by a doctor, and the disability limits the major life activity of learning.</i>

Possible Accommodations:

- Adjust student seating.
- Use simple, concise instructions.
- Provide a peer tutor/helper.

- Administer medication, if necessary.
- Modify assignments.
- Change instructional pace.
- Provide supervision during transitions, disruptions, field trips.
- Use study guides, organizing tools.
- Modify testing procedures.
- Initiate frequent parent communication.
- Establish a school/home behavior management program.
- Provide training for staff and parents.
- Have the student use an organizer—train in organizational skills.
- Establish a cue between teacher and student.
- Assign chores/duties around room/school.
- Modify environment to avoid distractions.
- Have child work in a study carrel.
- Highlight required or important information/directions.
- Place assignments/directions on tape for auditory learner.
- Provide a checklist for student, parents, and/or teacher to record assignments or completed tasks.
- Use a timer to assist student to focus on given task or number of problems in time allotted — *stress* they need to be done *correctly*.
- Have student restate or write directions/instructions.
- Allow student to respond in a variety of different modes (i.e., may place answers for tests on tape instead of paper).
- Give student opportunity to stand while working.

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- Provide additional supervision to and from school.
- Modify student's work area with barriers.
- Prescribe physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points.

CANCER
<p><i>EXAMPLE: A student with a long term medical problem may be given considerations to accommodate special needs. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy. The condition is substantially limiting to the major life activity of caring for one's self.</i></p>

Possible Accommodations:

- Develop health care and emergency plan.
- Provide school nursing services.
- Apply universal precautions.
- Adjust attendance policies.
- Limit number of classes taken; accommodate scheduling (breaks, etc.).
- Provide homebound services as appropriate.
- Accommodate student's involvement in extracurricular activities.
- Adjust activity level and expectations in classes based on physical limitations.
- Schedule daily monitoring and distribution of medications.
- Provide appropriate assistance technology.
- Provide dietary accommodations.
- Shorten day; arrange for home tutoring following treatment.

- Provide additional set of texts and assignments to hospital school.
- Tape lessons.
- Modify schedule to include rest breaks.
- Provide counseling; establish peer support group.
- Adapt physical education.
- Provide access as needed to school health services.
- Provide awareness training to staff and students.
- Offer school counseling on death and dying.
- Furnish a peer tutor.
- Adapt work load.
- Provide student with a separate bathroom.
- Provide an interactive computer/modem.
- Set up crisis teams.
- Instigate a free pass system from the classroom.
- Modify requirements for graduation.

<h3>CEREBRAL PALSY</h3>
<p><i>EXAMPLE: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are very good. The condition is substantially limiting to the major life activity of walking.</i></p>

Possible Accommodations:

- Develop health care and emergency plan.
- Provide assistive technology devices.
- Arrange for use of ramps and elevators.

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- Assist with carrying books, lunch trays, etc.
- Modify physical education curriculum.
- Provide for physical therapy.
- Monitor medication administration.
- Modify eating utensils.
- Educate peers/staff.

CONDUCT DISORDER
<i>EXAMPLE: The student exhibits poor peer interactions, has no friends and isolates himself from group activities. The condition is substantially limiting to the major life activity of learning.</i>

Possible Accommodations:

- Teach cooperative learning strategies within the classroom.
- Work with the family to implement a home/school behavior plan.
- Provide school counseling.
- Implement a behavior management plan.
- Provide information in a big brother/sister program.
- Provide extra-curricular activities that interest the student.
- Provide peer support groups.
- Begin social skills instruction.
- Monitor and/or administer needed medications, as prescribed.
- Teach appropriate social skills.

DIABETES MELLITUS

EXAMPLE: Diabetes impairs the major life activities such as of regulating blood glucose levels, eating and caring for oneself. The student may take insulin and/or other medication and regularly monitor blood in order to help regulate blood glucose levels. Many factors, including medication, diet, physical activity and stress, can affect blood glucose levels. Even with intensive insulin or other medication therapy, it is impossible to always maintain normal blood glucose levels. When the student's blood glucose level is out of the normal range, additional life activities, including performing manual tasks, reading, thinking, concentrating, interacting with others, and learning can be affected. The ability of a student to safely manage blood glucose levels at school and school-related activities is dependent upon accommodations from the school.

Possible Accommodations:

- Develop health care plan and emergency plan.
- Allow for blood glucose checks as frequently as needed.
- Allow student to carry and utilize medical supplies, check blood glucose level, and respond to high and low levels, as needed.
- Provide for trained personnel to perform blood glucose or ketone checks and administer insulin, glucagon, or other medications, as needed.
- Provide free and unrestricted access to bathroom and drinking water to treat hyperglycemia.
- Provide quick access to snacks (carbohydrates/sugars) to treat hypoglycemia.
- Allow student to eat lunch at an appropriate time and have enough time to check blood glucose and to finish the meal.
- Allow snacks, when necessary.
- Adjust attendance policies, accommodating for diabetes-related absences (doctor appointments or diabetes-related illness).
- Make school health care needs known to appropriate staff.

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- Educate peers/staff.
- Facilitate full participation in physical education, extracurricular activities, and field trips making sure trained personnel are always in attendance.
- Allow for blood glucose checking before any testing or assessment. Allow delay of testing—with equal time and opportunity—until blood glucose levels are in range if necessary.

DRUGS AND ALCOHOL

EXAMPLE: The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for one's self. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not using drugs or alcohol, he/she could qualify for accommodations under Section 504/ADA. The condition is substantially limiting to the major life activity of learning.

Possible Accommodations:

- Provide texts and assignments to treatment facility.
- Arrange for periodic home-school contacts.
- Establish daily/weekly journal.
- Communicate with treatment facility.
- Provide/arrange for school counseling.
- Establish peer support group.
- Dismiss from school to attend treatment program.
- Inservice staff.

EMOTIONALLY DISTURBED

<i>Example: A student who is emotionally disturbed may need an adjusted class schedule to allow time for regular counseling or therapy. The condition is substantially limiting to the major life activity of learning.</i>

Possible Accommodations:

- Administer medication, if necessary.
- Approve early dismissal to attend therapy.
- Maintain weekly / daily journals; self-recording of behavior.
- Establish home-school communication system.
- Schedule periodic meetings with home and treatment specialists.
- Provide carry over of treatment plans into school environment.
- Assist with agency referrals.
- Develop behavior management programs.
- Write contracts for student behavior.
- Post rules for classroom behaviors; teach expectations.
- Provide school counseling, social skills instruction.
- Educate other students / staff / school personnel.
- Provide carryover treatment plans into home environment.
- Reinforce positive behavior.
- Schedule shorter study and work periods according to attention span expected.
- Be consistent.

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EPILEPSY

EXAMPLE: The student is on medication for seizure activity, but experiences several grand mal seizures each month. The condition is substantially limiting to the major life activity of learning.

Possible Accommodations:

- Train staff and students and prepare a health care and emergency plan.
- Monitor and/or distribute medications, if necessary.
- Adjust seating to avoid injury.
- Provide rest time and academic considerations following seizure.
- Arrange buddy system.
- Provide an alternative recess.
- Provide education for peers.
- Inservice staff.

OBESITY

Examples: A student has an eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504/ADA when it substantially impairs the major life activities of walking and breathing.

Possible Accommodations :

- Provide special seating modifications.
- Make dietary modifications.
- Adjust meals schedule.
- Adapt physical education program.
- Allow extra time to get to classes.

- Adapt rest rooms.
- Begin a peer support group.
- Allow more passing time.
- Ensure privacy for self-care.
- Provide school counseling.
- Provide for elevator privileges.
- Arrange classroom furniture to provide room to negotiate and move around classroom seating.
- Address busing concerns to ensure room on buses for seating.
- Arrange to provide opportunities for the individual to participate in intramural events.
- Make any class location changes that may be needed.

ORTHOPEDICALLY IMPAIRED
<i>Example: The student has limited mobility and is confined to a wheelchair. The condition is substantially limiting to the major life activity of walking.</i>

Possible Accommodations

- Develop a health care and emergency plan.
- Implement an adaptive physical education program.
- Provide physical therapy at school.
- Check facilities regarding physical accessibility.
- Provide extra time to get to class.
- Supply a set of textbooks for home.
- Provide a copy of classnotes from a peer.
- Practice emergency exit from school building.

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PARENT WITH HEARING IMPAIRMENT

EXAMPLE: A parent is hearing impaired and requests access to school sponsored activities. The school makes accommodations by providing interpreter services for the parent to participate effectively in school sponsored events or meetings about the student.

Possible Accommodations:

- Provide an interpreter for all school events of expected participation.
- Make arrangements for home-school contacts/communication.
- Use written notes for communication.

PREGNANCY

EXAMPLE: A student in 12th grade delivered a baby in February. Physical complications of the birth prevented the student from returning to school for two weeks and resulted in several physical limitations after she returned to school. She has good grades and has kept up with graduation credit requirements. The condition is substantially limiting to the major life activity of learning.

Possible Accommodations

- Provide home instruction.
- Allow time to seek appropriate health services/time with school nurse.
- Modify academic schedule as needed.
- Modify curriculum as needed (physical education/extracurricular activities).
- Arrange for more comfortable seating.
- Arrange for make-up work and extend time lines for assignments.
- May need to adapt physical education.
- Provide access to school counseling/social work.

STUDENT FORMERLY RECEIVING SPECIAL EDUCATION SERVICES

EXAMPLE: The student has exited from a special education program, but still needs some academic accommodations to function in a general classroom.

Possible Accommodations:

- Maintain ongoing monitoring of progress.
- Establish daily /weekly progress reports.
- Allow for academic modifications.
- Provide after-school tutoring.
- Provide peer tutoring.
- Provide journal activities.
- Adjust homework assignments.
- Have student work toward more independent achievement of assignments.
- Contact previous special education teachers.
- Review files of progress reports and see what plans were successful.

STUDENT WITH SPECIAL HEALTH CARE NEEDS

EXAMPLE: The student has a special health care problem and requires clean intermittent catheterization twice each day. This procedure empties the bladder and helps prevent urinary tract infections and possible wetting. The school is required to provide trained personnel to perform the procedure, or to provide the student a private location to perform the procedure. The condition is substantially limiting to the major life activity of caring for one's self.

Possible Accommodations:

- Apply universal precautions.
- Provide trained personnel to perform special procedures.

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- Provide student with private location and time to perform procedures.
- Involve school nurse, parents, teachers, and staff.
- Allow preferential seating.
- Modify recess, physical education, and transportation.
- Modify classroom environment.
- Reevaluate/update periodically.
- Develop a health care and emergency plan.
- If necessary, modify attendance policy.
- Establish health alert—every staff member involved with this student is aware of the health problem and of proper procedures.
- Provide a beeper/paging system for trained personnel.
- Arrange for trained personnel on school field trips.

TEMPORARILY DISABLED

<i>EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for a period of time. The student is considered temporarily disabled under Section 504/ADA and should receive accommodations if this disability substantially limits a major life activity.</i>

Possible Accommodations:

- Provide duplicate sets of texts.
- Provide assignments to hospital school.
- Tape lessons.
- Provide homebound instruction.
- Schedule periodic home-school meetings.
- Arrange for student to leave class early to get to next class.

- Provide access to elevators.
- Adapt physical education program.
- Arrange for a friend to assist student in getting from class to class (support network).
- Provide an interactive system—computer, e-mail.
- Organize school counseling—trauma from accident.
- Arrange for peer notes.
- Provide help with getting lunch tray.
- Change seating arrangements to accommodate needs.
- Modify assignments depending on disability.
- Allow more time for test completion.
- Allow shortened days; adjust attendance policy.
- Address special accommodations of a wheelchair.
- Inservice staff and class and prepare a health care and emergency plan.
- Test verbally.
- Provide peer assistance for social involvement (keep child informed of social activities).

TOURETTE'S SYNDROME
<i>EXAMPLE: The student exhibits inappropriate gestures and sounds in the classroom and hallways. The condition is substantially limiting to the major life activity of learning.</i>

Possible Accommodations:

- Pair with a fellow student for study.
- Educate other students about associated outbursts.

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- Arrange for frequent parental interaction.
- Medication administration, if necessary.
- Provide supervision for transition activities.
- Provide alternative work space.
- Initiate time-out.
- Provide peer inservice.
- Provide appropriate space for the child to act out episode.

TRAUMATIC BRAIN INJURY
<p><i>EXAMPLE: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The condition is substantially limiting to the major life activities of learning, performing manual tasks, and/or caring for one's self.</i></p>

Possible Accommodations:

- Provide extended school year/time.
- Furnish memory /organizational aids.
- Provide alternative testing.
- Initiate tutoring programs.
- Arrange for a health care and emergency plan.
- Inservice staff and peers.

TUBERCULOSIS

EXAMPLE: The student contracted tuberculosis two years ago and has been under treatment. The disease is no longer infectious, but the student is still weak. The condition is substantially limiting to the major life activity of caring for one's self.

Possible Accommodations:

- Adjust length of school day.
- Provide home tutor, as necessary.
- Inservice staff on problems that might arise with the student.
- Have the medical evaluator provide feedback to staff.
- Monitor the student's behavior and report changes to nurse immediately.
- Encourage student to stay in school as much as possible, as illness permits.
- Provide an alternative place for recess during cold weather.
- Have student evaluated periodically.
- Inservice students.

Contagious Infectious Diseases: If a child has a contagious disease that is a danger to students, he/she needs to be treated in another environment but still be provided FAPE.

QUESTIONS AND ANSWERS

1. **Q. When do the second and third prongs of the Section 504/ADA definition become relevant?**

Second Prong — Has a record of an impairment.

Third Prong — Is regarded as having an impairment.

- A. Section 504/ADA teams should only use the first prong of the Section 504/ADA eligibility definition: A student may be considered disabled if the individual has a mental or physical impairment which substantially limits one or more of such person's major life activities. The second and third prongs were meant for situations where individuals are discriminated against based upon a record of an impairment or being perceived and treated in a discriminatory manner. Prongs two and three should not be used for eligibility purposes.

It is the negative action taken based on the perception of the record that entitles a person to protection against discrimination.

2. **Q. Are slow learners eligible for Section 504/ADA accommodations or services?**

- A. "Slow learning" is not a disability any more than giftedness would be considered an impairment. If a slow learner cannot cope with the general education, the problem is with the curriculum or instructional approach, not the student. The curriculum or instruction must be modified to meet the ability and pace of the student. It should be noted that the student could have a disability (for example, an attention deficit disorder) and also be a slow learner. The ADD could entitle the student to Section 504/ADA services.

3. **Q. Who should serve on the Section 504 committee?**

- A. A practice that has worked for many schools is the utilization of the intervention team or prereferral team as the Section 504 committee. This team is usually knowledgeable about the student and is familiar with interventions that have been successful and strategies that have failed. The case team will usually include:

- A. Parent(s)
- B. Student, when appropriate
- C. Principal or designee
- D. Classroom teacher(s)
- E. School counselor
- F. Others as appropriate

4. **Q. Can a school use the special education IEP form to document Section 504 accommodations and services?**

A. If a student is eligible to receive accommodations under Section 504, they should be documented on a Section 504 accommodation plan.

5. **Q. Should each eligible Section 504/ADA student have a case manager?**

A. Yes. After determining eligibility, the Section 504 committee should appoint a case manager to ensure the services are implemented and to manage the Section 504 file. If the student transitions to a new level or building, a new case manager will need to be assigned.

The case manager is usually the primary service provider. Typical case managers include school counselors, regular education teachers, and school nurses.

6. **Q. How does free appropriate public education differ between Section 504/ADA and special education?**

A. In special education, a student must be eligible under one of the disability categories and requires special education before he/she is entitled to related services.

The definition for eligibility under Section 504 is very broad and could include any physical or mental impairment that substantially limits a major life activity. The impairment must be shown to impact the student's education program. The student could receive accommodations, **and/or** related services. Some students could receive just a related service, such as physical therapy or school counseling.

7. **Q. Who conducts school evaluations to determine Section 504/ADA eligibility?**

A. Many students who are eligible for Section 504/ADA services have medical conditions that have already been diagnosed. In these cases the school would request permission from the parents to obtain copies to document the Section 504 eligibility.

In many cases, the student is referred for an evaluation under special education, but is found not to be eligible. That evaluation can be used for Section 504 consideration.

In cases where the school conducts the evaluation, special education staff or other support staff may be involved. Most schools pay a portion of the salary and benefits of special education staff and could justify the use of these individuals to conduct 504/ADA evaluations.

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8. **Q. When a student exits special education should they be considered for Section 504/ADA eligibility?**

- A. Yes. Section 504 eligibility shall be a team decision and will depend on the unique needs of the student. Many exiting special education students will not require Section 504/ADA accommodations or services. If the team decides to consider Section 504/ADA eligibility, a referral would be made to the Section 504 team for determination.

Special education students who are graduating from high school and moving on to post secondary opportunities should be considered for Section 504 services. Post secondary programs receiving federal funds are under the same obligations as schools.

9. **Q. Where can parents or the school receive technical assistance regarding Section 504 issues?**

- A. There are several sources of technical assistance for parents and school, including the following:
1. School Section 504/ADA coordinator.
 2. Utah State Office of Education—Equity Office.
 3. Regional Office for Civil Rights, Denver, Colorado.

10. **Q. To what extent should parents be involved in the Section 504/ADA process?**

- A. The Section 504 regulations do not specify the degree of parent participation. It is always **best practice** to involve parents every step along the way in their child's educational program. It is recommended that parents receive notice whenever their child is singled out for evaluation, eligibility or service delivery. Written consent should be obtained before evaluations and services. The parents should be invited to participate in all Section 504/ADA meetings regarding their child.

11. **Q. Can the Section 504 team recommend alternatives to an eligible student's graduation requirements?**

- A. Yes. For example, a student with a severe physical disability might not be capable to participate and fulfill physical education graduation requirements. Adapted physical education would be a modification for the physical education requirement. Schools are encouraged to develop alternative options rather than totally waive a course requirement.

12. **Q. Are all students with attention deficient disorder eligible for Section 504/ADA services?**

- A. Although many students who have been diagnosed with ADD/ADHD do qualify for Section 504/ADA services, many others do not. Many students who have been diagnosed with ADD/ADHD are either on medication or have been taught and apply compensatory skills to successfully function in a school environment and may not require Section 504/ADA services.

Some students with ADD/ADHD will be eligible for special education services if they were first found to be eligible for special education under the categories of learning disability, other health impaired, emotionally disturbed, or traumatic brain injury.

If the student has a mental or physical disability that substantially limits a major life activity (learning in the case of ADD/ADHD), then the student would qualify for Section 504/ADA accommodations and/or services.

13. **Q. What are the consequences for a school that refuses to meet Section 504/ADA obligations?**
 - A. Mediation should be used whenever possible to assist in resolving disputes between parents in the school. The parents could file a local grievance with the school, request a due process hearing, take the school to court, or file a complaint with the Office for Civil Rights. OCR is part of the U. S. Department of Education.
14. **Q. Should a school document and keep a Section 504/ADA file on each eligible student?**
 - A. It is **best practice** to document the events of each Section 504/ADA service. Files should be kept on eligible students and maintained by the case manager. These files should be separate from the cumulative files, to avoid possible discrimination based on the record. Section 504/ADA files would be under all requirements listed in the Family Educational Rights and Privacy Act (FERPA).
15. **Q. Who pays the costs for Section 504/ADA services?**
 - A. Services are the responsibility of the school. Federal and state special education funds should not be used for Section 504 services. If accommodations are listed on a student's IEP, they must be paid for through special education funds.
16. **Q. Are private schools responsible to provide Section 504 requirements?**
 - A. Yes, if the private school (including preschool) is receiving any form of federal funding.
17. **Q. Can a school require a medical statement for students for whom they cannot pinpoint a medical or physical impairment that is substantially limiting a major life activity within the school and for which assistance is needed in the school?**
 - A. A school cannot require a parent or student to provide a medical statement *if* the school suspects that the student has a disability that would necessitate the provision of regular or special education and related aids and services under the regulations implementing Section 504 of the Rehabilitation Act of 1973.

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However, a school is not required to evaluate a student who the school does not believe has a disability *e.g.*, a mental or physical impairment that substantially limits a major life activity, such as learning. A school is required to conduct an evaluation of any person who, because of disability needs, or whom the school believes to need regular or special education and related aids and services before placing the person in regular special education with related aids and services. If a school determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 CFR §104.35(a) and (b), the school must ensure that the student receives this assessment at no cost to the parents. If alternative assessment methods meet the evaluation criteria, these methods may be used in lieu of a medical assessment. If a district does not believe that a student has a disability and refuses to evaluate the child, the district must inform the parents of their due process rights under 34 CFR §104.36.

18. **Q. Are schools required to provide the food when dietary modifications are needed? Or do parents provide the food and the school prepare it (as is the case with medication)?**
- A. It depends. A school, in providing any aid, benefit, or service, may not deny or afford a person with a disability an opportunity to participate in, or benefit from, an aid, benefit, or service, such as the provision of food services, that is not equal to, or as effective as, that provided to persons without disability. The school is also required to provide free appropriate public education to each qualified person with a disability. Unlike medicine, which the school is not required to provide for any student, if the school provides food to students generally, it would also have to provide an appropriate lunch to the student with disabilities who has special dietary needs on the same basis that food is provided to students without disabilities. Depending on the circumstances, the school may have to provide special foods to meet the individual needs of the student with disabilities. This responsibility is determined on a case-by-case basis.
19. **Q. Do school responsibilities under Section 504 also include providing services to students in private schools?**
- A. If a school has made available a free appropriate public education to a person with a disability and the person's parent or guardian chooses to place the person in a private school, Section 504 does not require the recipient to receive services in the private school unless that private school receives any federal funding. 34 CFR § 104.33(c)(4).
20. **Q. For students who are referred to special education, but do not qualify under IDEA criteria, do they automatically become Section 504 students?**
- A. Under Section 504, a "person with disabilities" is defined as any person who has a physical or mental impairment that substantially limits a major life activity. Thus, depending on the severity of their condition, students who do not

meet the standards under the Individuals with Disabilities Education Act (IDEA) may or may not fit within the Section 504 definition. (See Eligibility, Page 4).

21. **Q. Can a student be identified as IDEA eligible and be receiving some services under IDEA and also be identified as a Section 504 student and be receiving different assistance in the regular classroom under Section 504?**

A. In order to be eligible for services under the IDEA, a student must be found to have one or more of the disability categories specified *and* must also be found to need special education. A student identified as IDEA eligible and receiving services under the IDEA in order to receive a free appropriate public education could receive the same assistance in order to comply with Section 504. Section 104.33(b)(2) states that implementation of an individualized education program developed in accordance with IDEA is one means of meeting Section 504's requirement for the provision of regular and special education and related aids and services designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

22. **Q. If a student is identified as in need of accommodations under Section 504, and the parent decides to home-school the child, is the school still responsible for providing services in the home for the student because they are in the jurisdictional area of the school's responsibility?**

A. No. Where a school has offered an appropriate education, a school is not responsible, under Section 504, for the provision of educational services to students not enrolled in the public educational program based on the personal choice of the parent or guardian.

23. **Q. If a Section 504 student is, due to his/her disability, constantly disruptive on the school bus, can the school have the student's bus privileges removed if she/he needs the transportation to get to school? If so, must the school still provide transportation? How about when the student is a threat to the safety of other students on the bus?**

A. If transportation is a related service for a student with disabilities, any incident of misconduct on the bus should be viewed in the same manner as any disciplinary incident in the school. A school cannot revoke transportation services just as a school could not suspend a student with disabilities in excess of 10 days or, in some cases, impose cumulative suspensions exceeding 10 days without taking a number of prior actions. A school can change the mode or method of providing transportation services if a student with disabilities is endangering himself or others, just as the school can place a student with disabilities in a more restrictive setting if the student becomes dangerous.



APPENDICES

APPENDIX A

*Section 504 of The Rehabilitation Act of 1973
—The Law and Regulations*



APPENDIX B

Sample Forms

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To provide general information about Section 504.

INFORMATION FOR PARENTS REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 is an Act that prohibits discrimination against persons with a disability in any program that receives federal financial assistance. The Act defines a person with a disability as anyone who:

Has a mental or physical impairment that substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).

In order to fulfill its obligations under Section 504/ADA, the school recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school has specific responsibilities under the Act, which include the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504/ADA, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to:

- Inspect and review his/her child's educational records.
- Make copies of these records.
- Receive a list of all individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights.
- A hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact

Section 504/ADA Coordinator

Phone

UTAH STATE OFFICE OF EDUCATION

Utility of Form — To be used as a referral form when an evaluation is being requested.

SECTION 504 REFERRAL

Student _____ Date _____

School _____ Date of Birth _____

Teacher _____ Grade _____

Parent _____ Phone _____

Address _____

Referred by _____

Position _____

1. Reason for referral: _____

2. Accommodations and interventions attempted (Teacher Assistance Team):

3. Has the student ever been referred, evaluated, and/or received services from special education? ____ YES ____ NO If yes, explain:

4. Referral action:

Signature of Section 504 Coordinator

Date

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To provide written notice to the parents when a referral for evaluation to consider Section 504 services is made.

NOTICE TO PARENTS SECTION 504 MEETING

Student _____ Date _____

School _____

Dear Parent or Guardian:

This letter is to inform you that we have some concerns about your child's progress at school. We have attempted some interventions with your child. They include:

We would like to arrange a meeting to discuss eligibility for further accommodations/services in order to ensure that your child is afforded an appropriate education. We have scheduled a meeting on _____. This meeting will be held at _____ to discuss your child's educational needs. We would very much appreciate your participation.

If you have any questions, or if this meeting time is not convenient for you, please call me at _____. We will discuss your questions or arrange a mutually convenient meeting time.

Sincerely,

Name Position

UTAH STATE OFFICE OF EDUCATION

Utility of Form — To provide parents with their rights and request consent to conduct a Section 504 evaluation.

SECTION 504 PARENT RIGHTS

School _____ Date _____

The intent of this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

If your child is eligible for Section 504 services, you have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Receive written notice with respect to identification, evaluation, or placement of your child.
3. Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate.
4. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
5. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know your child, the evaluation data, and placement options.
6. If eligible, have your child receive accommodations under Section 504 of the Rehabilitation Act of 1973.
7. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
9. Obtain copies of educational records at a reasonable cost if the fee would effectively deny you access to the records.
10. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

11. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
12. Request mediation or an impartial due process hearing related to decisions regarding your child's identification, evaluation, educational program, or placement. You and your child may take part in the hearing and have an attorney represent you.
13. File a local grievance or complaint to the Office for Civil Rights in Denver, Colorado. The office is part of the U.S. Department of Education. The regional office is located at 1244 Speer Boulevard, Suite 310, Denver, Colorado, 80204-3582.

The person at the school who is responsible for Section 504/ADA compliance is:

Section 504 Coordinator

Telephone Number

CONSENT

The school is requesting your consent to conduct the following evaluation procedure:

Evaluation Procedures

Person Responsible

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I give written consent to have my child evaluated for possible Section 504 eligibility.

Parent signature

Date

Utility of Form — Gives parents general information about Section 504 evaluation procedures.

SECTION 504 EVALUATION PROCEDURES

If the school suspects a student has a disability, then parental notice is given and an individual evaluation is conducted. The following are some considerations for meeting 504 evaluation requirements.

1. The evaluation team must be knowledgeable about the student, disability, and be familiar with the evaluation data and placement options.
2. Each evaluation should be tailored to the specific needs of the student.
3. The parents need to be notified before the evaluation is conducted. Consent is not required, but is considered **best practice**.
4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer.
5. Tests and other evaluation materials include those tailored to assess specific areas of educational need.
6. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
7. In interpreting evaluation data and in making placement or accommodation decisions, a school should draw upon information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
8. A reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities in Education Act is one means of meeting this requirement.

The school may refuse to conduct an evaluation, but has the obligation to inform the parents of the reasons for the refusal and their right to file a grievance, contact the Office for Civil Rights, or request a due process hearing.

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To be used at the Section 504 committee meeting for documenting evaluation results and determining eligibility.

SECTION 504 TEAM MEETING SUMMARY

Student _____ Date _____ Grade _____
School _____ Birthdate _____
Address _____ Phone _____
Case Manager _____

PARTICIPANTS — Staff knowledgeable about the student, disability, and the results of the evaluation data.

SUMMARY OF EVALUATION DATA — Information from a variety of sources, including, as relevant, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

Determination of whether the student has a disability under Section 504

- _____ The student **does not** have a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- _____ The student **has** a physical or mental impairment that substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

UTAH STATE OFFICE OF EDUCATION

Utility of Form — To document what accommodations will be necessary for the student to benefit from his/her education.

PART II STUDENT ACCOMMODATIONS

Accommodation 1 _____

Evaluation _____

Accommodation 2 _____

Evaluation _____

Accommodation 3 _____

Evaluation _____

Accommodation 4 _____

Evaluation _____

DURATION OF ACCOMMODATION(S) From _____ To _____

Review / Reassessment Date _____

Participants

Name

Title

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I give permission for my child to receive the above mentioned accommodations.

Parent

Date

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To document what accommodations will be necessary for the student to benefit from his/her education.

SECTION 504 STUDENT ACCOMMODATION PLAN

Student _____

Date _____

School _____

DOB _____

Review Date _____

Case Manager _____

Part 1: Justification for services

1. The student have a physical or mental impairment that substantially limits one or more of his/her major life activities that impacts his/her educational programs.

☐ YES ☐ NO

☐ caring for one's self

☐ hearing

☐ performing manual tasks

☐ speaking

☐ walking

☐ working

☐ seeing

☐ learning

☐ breathing

2. The impairment impacts the child's educational program.

☐ YES ☐ NO

3. Is the student eligible for Section 504 accommodations?

☐ YES ☐ NO

4. Briefly document the basis for determining the disability. _____

5. Describe areas of need and action to be taken. _____

(continued)

Part I — Required Accommodations

Area _____

Accommodations _____

Evaluation _____

Area _____

Accommodations _____

Evaluation _____

Area _____

Accommodations _____

Evaluation _____

Area _____

Accommodations _____

Evaluation _____

I give permission for my child to receive the above mentioned services.

Parent

Date

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To document what accommodations will be necessary for the student to benefit from his/her education.

SECTION 504 ACCOMMODATION PLAN

Student _____ Date _____

Case Manager _____

Justification for Section 504 Eligibility _____

Check each area where special accommodations/services will help the student meet success at school.

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Seating | <input type="checkbox"/> Note Taking | <input type="checkbox"/> Reading |
| <input type="checkbox"/> Writing | <input type="checkbox"/> Spelling | <input type="checkbox"/> Vocabulary |
| <input type="checkbox"/> Space | <input type="checkbox"/> Organization | <input type="checkbox"/> Math |
| <input type="checkbox"/> Physical Education | <input type="checkbox"/> Assistive Devices | <input type="checkbox"/> Test Taking |
| <input type="checkbox"/> Problem Solving | <input type="checkbox"/> Time | <input type="checkbox"/> Memory |
| <input type="checkbox"/> Communication | <input type="checkbox"/> Interpersonal Skills | <input type="checkbox"/> Homework |
| <input type="checkbox"/> Assignment Completion | <input type="checkbox"/> Listening | <input type="checkbox"/> Other _____ |

Accommodations and Services

1. _____

2. _____

(continued)

UTAH STATE OFFICE OF EDUCATION

3. _____

4. _____

5. _____

6. _____

7. _____

I give permission for my child to receive the above-mentioned services.

Parent

Date

Section 504 Committee Members

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SECTION 504 / ADA GUIDELINES FOR EDUCATORS

Utility of Form — To be used as documentation of review progress and future recommendations

SECTION 504 REVIEW OF SERVICES

Student _____ Date _____

Case Manager _____

Purpose of meeting: It is necessary to periodically review the student's progress under Section 504 services and make recommendations to continue, modify, or terminate the program(s) (504 plan should be reviewed once each year.)

Discussion of progress _____

Recommendation

- ☐ Continue present services with no changes.
- ☐ Modify the present program (see attached).
- ☐ Conduct additional evaluations.
- ☐ Exit from program based upon the following evaluation results.

Discussion of recommendations _____

The following members of the Section 504 committee agree with the recommendations.

Signature(s)

Parent

Counselor

Classroom Teacher

School Nurse

School Principal

Other

APPENDIX C

Important OCR Policy Letters

- **CLARIFICATION OF THE 2ND AND 3RD PRONG OF SECTION 504/ADA**
- **LONG-TERM SUSPENSION OR EXPULSION OF HANDICAPPED STUDENTS**
- **ADD/ADHD**
- **OCR FACTS: SECTION 504 COVERAGE OF CHILDREN WITH ADD**

OCR FACTS: SECTION 504 COVERAGE OF CHILDREN WITH ADD

1. Q. What is ADD?
 - A. Attention Deficit Disorder (ADD) is a neurobiological disability. It is characterized by: attention skills that are developmentally inappropriate, impulsivity, and, in some cases, hyperactivity.
2. Q. Are all children with ADD automatically protected under Section 504?
 - A. No. Some children with ADD may have a disability within the meaning of Section 504; others may not. Children must meet the Section 504 definition of disability to be protected under the regulation. Under Section 504, a “person with disabilities” is defined as any person who has a physical or mental impairment which substantially limits a major life activity (e.g., learning). Thus, depending on the severity of their condition, children with ADD may or may not fit within that definition.
3. Q. Must children thought to have ADD be evaluated by school districts?
 - A. Yes. If parents believe that their child has a disability, whether ADD or any other impairment, and the school district has reason to believe that the child may need special education or related services, the school district must evaluate the child. If the school district does not believe the child needs special education or related services, and thus does not evaluate the child, the school district must notify the parents of their due process rights.
4. Q. Must school districts have a different evaluation process for Section 504 and the IDEA?
 - A. No. School districts may use the same process for evaluating the needs of students under Section 504 that they use for implementing IDEA.
5. Q. Can school districts have a different evaluation process for Section 504?
 - A. Yes. School districts may have a separate process for evaluating the needs of students under Section 504. However, they must follow the requirements for evaluation specified in the Section 504 regulation.
6. Q. Is a child with ADD, who has a disability within the meaning of Section 504 but not under the IDEA, entitled to receive special education services?
 - A. Yes. If a child with ADD is found to have a disability within the meaning of Section 504, he or she is entitled to receive any services the 504 team decides are necessary.

7. Q. Can a school district refuse to provide accommodations to a child with ADD because he or she does not meet the eligibility criteria under the IDEA?
- A. No.
8. Q. Can a child with ADD, who is protected under Section 504, receive related aids and services in the regular educational setting?
- A. Yes. Should it be determined that a child with ADD has a disability within the meaning of Section 504 and needs only adjustments in the regular classroom, rather than special education, those adjustments are required by Section 504.
9. Q. Must a school district have a separate hearing procedure for Section 504 and the IDEA?
- A. No. School districts may use the same procedures for resolving disputes under both Section 504 and the IDEA. In fact, many local school districts and some state education agencies are conserving time and resources by using the same due process procedures. However, education agencies should ensure that hearing officers are knowledgeable about the requirements of Section 504.
10. Q. Can school districts use separate due process procedures for Section 504?
- A. Yes. School districts may have a separate system of procedural safeguards in place to resolve Section 504 disputes. However, these procedures must follow the requirements of the Section 504 regulation.
11. Q. What should parents do if the state hearing process does not include Section 504?
- A. Under Section 504, school districts are required to provide information and inform parents of these procedures. Thus, school districts are responsible for providing a Section 504 hearing even if the State process does not include it.

SECTION 504/ADA GUIDELINES FOR EDUCATORS

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